

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ARTHROCARE CORPORATION,

Plaintiff,

v.

SMITH & NEPHEW, INC.

Defendant.

SMITH & NEPHEW, INC.,

Counterclaim Plaintiff,

v.

ARTHROCARE CORPORATION, AND  
ETHICON, INC.,

Counterclaim Defendants.

C.A. No. 01-504-SLR

**SMITH & NEPHEW'S NOTICE PURSUANT TO 35 U.S.C. § 282**

Defendant Smith & Nephew, Inc. ("Smith & Nephew") hereby provides its written notice pursuant to 35 U.S.C. § 282 of the patents and publications that it may rely upon to anticipate, render obvious or show the state of the art with respect to United States Patent No. 5,697,536 ("the '536 patent"), 5,697,882 ("the 882 patent"), and 6,224,592 ("the '592 patent"). Smith & Nephew may also rely on the persons listed below as being prior inventors or having prior knowledge of or as having previously used or offered for sale the inventions of the patents-in-suit. Smith & Nephew also incorporates by reference the items set forth in its responses to Plaintiff's Interrogatories and in the expert reports of Dr. Kenneth Taylor, Dr. Michael Choti, Dr. Kim Manwaring and Ronald Panitch, Esq.

Furthermore, in light of the recent filings by the parties on proposed claim construction, Smith & Nephew reserves the right to further supplement this notice depending on the Court's ruling on claim construction and/or possible new claim constructions.

# **I. PRIMARY REFERENCES RELIED UPON**

## **A. PATENTS**

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(3)	Honig	The Mechanism of Cutting in Electrosurgery	<i>IEEE Transactions On Biomedical Engineering</i>	1/75
(4)	Elasser and Roos	Uber ein Instrument zur leckstromfreien transurethralen Resection (Concerning An Instrument for Transurethral Resection Without Leakage of Current)	<i>Acta Medico Technica (Medizinal-Markt)</i> , Vol. 24, No. 4, 129-134	1976

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### IV. Individuals

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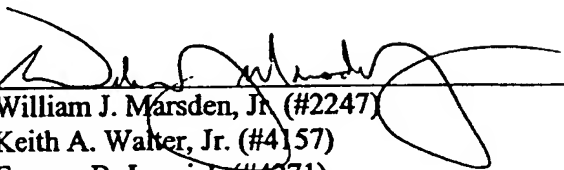
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of March, 2003, a true and correct copy of the SMITH & NEPHEW'S NOTICE PURSUANT TO 35. U.S.C. § 282 was caused to be served on the attorneys of record at the following addresses as indicated:

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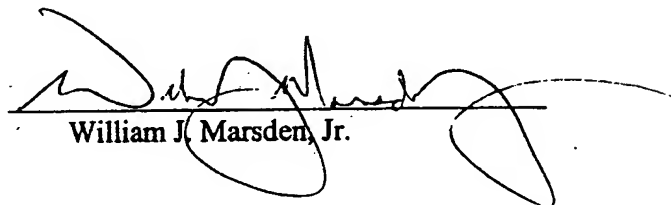
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